

**THIRD AMENDMENT  
TO  
VOLUNTARY CLEANUP CONTRACT  
03-5044-NRP**

**IN THE MATTER OF  
CHARLESTON NAVAL BASE, CHARLESTON COUNTY  
and  
THE CITY OF NORTH CHARLESTON**

**WHEREAS**, on April 1, 2003, R. Keith Summey, Mayor of the City of North Charleston ("City"), signed Voluntary Cleanup Contract 03-5044-NRP (VCC); this contract initially addressed the transfer of the entire northern portion of the Charleston Naval Base [approximately seven hundred and twenty-five acres (725)] from the Charleston Naval Complex Redevelopment Authority ("RDA") to the City;

**WHEREAS**, the first amendment, dated February 10, 2004, to the VCC reduced the scope of the VCC to just that property that the City received on April 1, 2003, approximately three hundred fifty (350) acres;

**WHEREAS**, the second amendment, dated August 26, 2004, corrected the property description for the property that was transferred to the City on April 1, 2004 to two hundred forty eight (248) acres, also known as the RDA Phase I and II conveyances;

**WHEREAS**, the City is now prepared to receive from the RDA another portion of the property known as the RDA Phase III conveyance; The supplemental information and certification as well as the legal descriptions and maps of the parcels for the RDA Phase III conveyance of an additional 80.151 acres to the City are included in Appendix A. The conveyance of RDA Phase III will complete the transfer of the entire northern portion of the Charleston Naval Base [approximately seven hundred and twenty-five (725) acres] from the RDA to the City; and

**WHEREAS**, the parties hereto now desire to amend the VCC to include the RDA Phase III conveyance as part of the VCC and resulting benefits;

**NOW THEREFORE IT IS AGREED**, that the Voluntary Cleanup Contract 03-5044-NRP is hereby amended to include and address the additional 80.151 acres as described in Appendix A and labeled as Parcels 1, 2, 3, 4, 5, 6, 7, 8B, and 15. All other terms and conditions of the Voluntary Cleanup Contract 03-5044-NRP not inconsistent with this Amendment shall remain in effect and the same.

**THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
CONTROL**

BY: \_\_\_\_\_

Robert W. King, Jr.  
Deputy Commissioner  
Environmental Quality Control

DATE: \_\_\_\_\_

March 4, 2005  
Columbia, South Carolina

\_\_\_\_\_  
Hartsill W. Truesdale, P.E., Chief  
Bureau of Land and Waste Management

DATE: \_\_\_\_\_

March 3, 2005

\_\_\_\_\_  
Approved by Legal Office

DATE: \_\_\_\_\_

March 1, 2005

**THE CITY OF NORTH CHARLESTON**

\_\_\_\_\_  
R. Keith Summey, Mayor

DATE: \_\_\_\_\_

**PARCEL 1 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 1 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at the Army Corps of Engineers disk "Mound", said point being the point of commencement located at the State Plane Coordinate N369830.4245, E2327026.2863, thence N47-53-41W a distance of 15,154.03' to a PK nail found said point being the point of beginning located at State Plane Coordinate N379991.1222, E2315783.2970, thence S87-01-16W along the northern edge of the Second Street North a distance of 452.27' to a PK set, thence running parallel with Avenue "D" N05-29-23E a distance of 449.74' to a 3/4" rebar found, thence S84-46-50E along the property line of Spawar a distance of 151.59' to a PK nail found, thence continuing along the property line of Spawar S32-12-10E a distance of 136.81' to a 1/2" rebar found, thence N57-52-56E a distance of 4.05' to a PK nail set, thence S31-25-38E along the property line of EDC Phase 1 Northern Portion a distance of 347.79' to the point of beginning and containing 3.00 acres (130,542 SQ. FT.). Said coordinate system for this survey is NAD83 (North American Datum 1983).

**PARCEL 2 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 2 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound", said point being the point of commencement located at State Plane Coordinate N369830.4245, E 2327026.2863, thence N46-39-19W a distance of 15,006.73' to a PK nail found said point being the point of beginning located at State Plane Coordinate N380130.8405, E 2316112.8424, thence N32-25-31W along the eastern property line of EDC Phase I Northern Portion a distance of 349.22' to a PK nail found, thence continuing along the eastern property line of EDC Phase I Northern Portion N77-05-18W a distance of 78.33' to a 5/8" rebar set, thence N66-53-05E along the southern property line of Spawar a distance of 10.86' to a 1/4" rebar found thence continuing along the eastern property line of Spawar N32-17-37W a distance of 455.32' to a 1/4" rebar set, thence N57-42-23E a distance of 65.99' to a 5/8" rebar found, thence S32-17-30E running parallel with Avenue "B" South a distance of 503.77' to a 1/4" rebar found, thence along the southern property line of Spawar the following four courses N81-24-01E a distance of 107.47' to a 1/4" rebar found, thence S13-15-37E a distance of 301.78' to a spike found, thence S32-15-07E a distance of 26.56' to a PK nail found, thence N81-46-39E a distance of 480.11' to a 5/8" rebar set on an existing railroad track, thence S80-38-44W along the property line of EDC Phase I Northern Portion a distance of 498.60' to the point of beginning and containing 1.35 acres (58,719 SQ. FT.). Said coordinate system for this survey is NAD 83 (North American Datum 1983).

**PARCEL 3 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 3 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound", said point being the point of commencement located at State Plane Coordinate N369830.4245, E2327026.2863, thence N50-55-10W a distance of 15,259.44' to a 5/8" rebar set, said point being the point of beginning located at State Plane Coordinate N379450.1622, E2315180.9714, thence along the western property line of EDC Phase 1 Northern Portion the following four courses S10-08-34E a distance of 372.62' to a PK nail set, thence S74-23-35W a distance of 314.01' to a railroad spike found, thence S30-34-37W a distance of 303.69' to a spike found, thence S24-52-22W a distance of 38.17' to a fence post, thence N60-10-36W along the northern property line of Parcel 4 EDC Phase III a distance of 1.00' to a 5/8" rebar set, thence

continuing along the eastern right of way of St. Johns Avenue N17-17-57W a distance of 452.77' to a 5/8" rebar set thence N38-19-01E a distance of 540.36' to a 5/8" rebar set, thence S65-08-11E a distance of 180.75' to a 5/8" rebar set, thence S52-25-13E a distance of 55.48' to the point of beginning and containing 6.06 acres (263,755 SQ. FT.). Said coordinate system for this survey is NAD 83 (North American Datum 1983).

#### **PARCEL 4 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 4 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound" said point, being the point of commencement located at State Plane Coordinate N369830.4245, E2327026.2863, thence N58-59-31W a distance of 14,198.35' to a PK nail found, said point being the point of beginning located at state plane coordinate N377144.8277, E2314856.9533, thence S68-39-37W along the centerline of Turnbull Avenue a distance of 1041.18' to a PK nail set, thence N18-30-38W along the eastern right of way line of St. Johns Avenue a distance of 635.93' to a concrete monument found, thence continuing along St. Johns Avenue right of way N18-22-14W a distance of 460.62' to a PK nail set in the center of St. Johns Avenue, thence N73-26-08E along the southern R/W of St. Johns Avenue a distance of 155.97' to a concrete monument found, thence continuing along the southern R/W of St. Johns Avenue N73-55-52E a distance of 531.81' to a 5/8" steel bar found, thence continuing along the southern R/W line of St. Johns Avenue N73-50-46E a distance of 212.22' to a 5/8" rebar set, thence following the western R/W line of St. Johns Avenue N29-40-13E a distance of 744.00' to a 5/8" rebar set, thence S60-10-36E along the eastern property line of Parcel 3 EDC Phase III a distance of 1.00' to a fence post, thence along the northern property line of EDC Phase 1 the northern portion S29-41-32W a distance of 744.70' to a fence post, thence following the northern property line of EDC Phase 1 Northern Portion S73-45-18W a distance of 212.22' to a fence post, thence turning along the western property line of EDC Phase 1 Northern Portion S16-10-19E a distance of 230.43' to a PK nail found, thence following the southern property line of EDC Phase 1 Northern Portion N68-40-15E a distance of 287.81' to a P.K. nail found, thence turning along the western property line of EDC Phase 1, Northern Portion S23-38-27E a distance of 334.40' to a P.K. nail found, thence continuing along the western property line of EDC Phase 1 Northern Portion S23-51-22E a distance of 468.76' to the point of beginning and containing 22.64 acres (986,005 SQ. FT.). Said coordinate system for this survey is NAD 83 (North American Datum 1983).

#### **PARCEL 5 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 5 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318, and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound", said point being the point of commencement located at State Plane Coordinate N369830.4245, E2327026.2863, thence N64-52-52W a distance of 10,424.04' to a 5/8" rebar set said point being the point of

beginning located at State Plane Coordinate N374255.4063, E2317588.0554, thence S52-47-22W a distance of 216.78' to a 5/8" rebar set, thence N37-30-25W along the eastern property line of Chicora Place Subdivision a distance of 439.07' to a 5/8" rebar set, thence N44-58-38E a distance of 220.08' to a PK nail set, thence S37-20-04E a distance of 468.98' to the point of beginning and containing 2.27 acres (98,733 SQ. FT.). Said coordinate system for the survey is NAD 83 (North American Datum 1983).

#### **PARCEL 6 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 6 EDC Phase III, lying and being in the City of North Charleston, County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound", said point being the point of commencement located at State Plane Coordinate N369830.4245, E2327026.2863, thence N61-38-56W a distance of 9,564.46' to a 1/2" rebar found, said point being the point of beginning located at State Plane Coordinate N374372.3288, E2318609.0393, thence S50-47-25W along the northern property line of EDC Phase 1 Northern Portion a distance of 468.63' to a PK nail found, thence N37-28-34W along the center line of Avenue "B" South a distance of 1,194.70' to a 1/2" rebar found, thence N84-09-16E a distance of 47.20' to a PK nail set, thence S76-43-35E along the southern property line of Nise East a distance of 483.54' to a 5/8" rebar set, thence continuing along the southern property line of Nise East on a curve with a radius of 276.00', chord bearing of S88-22-08E, chord distance of 111.38' and a length of 112.15' to a PK nail set, thence S40-21-48E along the northern edge of Hobson Avenue a distance of 711.98' to the point of beginning and containing 9.72 Acres (423,403 SQ. FT.). Said coordinate system for survey is NAD83 (North American Datum 1983).

#### **PARCEL 7 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 7 EDC Phase III, lying and being in the City of North Charleston, County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318, and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound", said point being the point of commencement located at State Plane Coordinate N369830.4245E, 2327026.2863, thence N 65-15-07W a distance of 9,414.30' to a PK nail found, said point being the point of beginning located at state plane coordinate N373771.5173, E2318476.6176, thence S54-27-28W along the centerline of Borie Street a distance of 336.15' to a PK nail found, thence following the property line of EDC Phase 1 Northern Portion the following 6 courses S33-40-19E a distance of 32.19' to a 1/2" rebar found, thence S15-01-47W a distance of 84.29' to a 1/2" rebar found, thence S50-07-37W a distance of 48.81' to a 1/2" rebar found, thence S-30-52-56W a distance of 48.22' to a 1/2" rebar found, thence S51-57-56W a distance of 127.54' to a 1/2" open top pipe found, thence S37-30-07E along a 8' high chain link fence a distance of 242.10' to a steel fence post, thence S52-29-51W a distance of 0.88' to a 5/8" rebar set, thence N37-30-09W along the eastern property line of Chicora Place Subdivision a distance of 110.75' to a 1/2" open top pipe found, thence continuing along the eastern property line of Chicora Place

Subdivision N37-30-25W a distance of 585.03' to a 5/8" rebar set, thence N52-24-51E, along the northern edge of Ninth Street a distance of 484.79' to a PK nail found, thence continuing along Ninth Street N52-51-21E a distance of 144.61' to a PK nail found, thence S87-07-57E along the centerline of Avenue "B" south a distance of 360.63' to the point of beginning and containing 5.68 acres (247,385 SQ.FT.). Said coordinate system for the survey is NAD83 (North American Datum 1983).

#### **LOT 8B**

ALL that piece, parcel and or tract of land known as Lot 8B (a portion of TMS 400-00-00-004) lying and being in the City of North Charleston, Charleston County, State of South Carolina and being fully shown as "Lot 8B 29.431 acres (1,282,012 S.F.) on a survey by Lewis Smith Moore dated May 4, 2004 and having the following metes and bounds to wit:

BEGINNING at US Army Corps of Engineers Monument "Mound" located at State Plane Coordinate N 369830.424493, E 2327026.286330, said point being the point of commencement; thence N77-06-14W a distance of 7874.77' to a PK nail set, said point being the point of beginning; thence following a curve along the northern right-of-way of Seaboard Airline Railroad, with a chord bearing N35-24-57W a chord distance of 234.50', a radius of 856.18' and length of 235.24' to a rebar found; thence following the western boundary of Chicora Subdivision the following two courses N37-17-34W a distance of 511.59' to a 1" square pipe; thence N37-33-16W a distance of 517.72' to a rebar found; thence following the southern property line of the United States of America the following three courses N50-42-30E a distance of 531.96' to a rebar found; thence N39-17-30W a distance of 85.15' to a rebar found; thence N50-42-30E a distance of 601.64' to a PK nail set, thence following the centerline of Hobson Avenue S39-05-36E a distance of 820.47' to a PK nail set; thence continuing along the centerline of Hobson Avenue S39-05-36E a distance of 212.74' to a PK nail set; thence following the centerline of Viaduct Road S35-21-19W a distance of 35.63' to a PK nail found; thence continuing along the centerline of Viaduct Road S35-21-19W a distance of 1152.84' to the point of beginning and containing 29.431 acres (1,282,012 SQ.FT.). Said coordinate system for the survey is NAD 83 (North American Datum 1983).

#### **PARCEL 15 EDC PHASE III**

ALL that piece, parcel or tract of land known as Parcel 15 EDC Phase III, lying and being in the City of North Charleston, the County of Charleston, State of South Carolina as shown on a boundary survey for Southern Division NAVFAC by Forsberg Engineering, Inc. in accordance with Contract N62467-89-D-0318 and having the following metes and bounds to wit:

BEGINNING at Army Corps of Engineers disk "Mound" said point being the point of commencement located at State Plane Coordinate N369830.4245, E2327026.2863, thence N44-21-06W a distance of 14,577.39' to a PK nail set said point being the point of beginning located at State Plane Coordinate N380254.1976 E2316835.8338, thence S81-37-14W along the property line of EDC Phase 1 Northern Portion a distance of 52.02' to a computed point lying under a wooden guard shack, thence continuing along the property line of EDC Phase 1 Northern Portion S08-22-46E a distance of 5.00' to a PK nail set, thence S80-37-07W a distance of 2.97' to a 5/8" rebar set, thence N06-43-23W along the property line of Spawar a distance of 8.74' to a PK nail found, thence continuing along Spawar's property line N80-27-13E a distance of 54.63' to a 1/2" rebar found thence S-09-48-40E a distance of 4.80' to the

point of beginning and containing 0.01 acres (247 SQ. FT.). Said coordinate system for this survey is NAD 83 (North American Datum 1983).

TMS # 400-00-00-004 (Portion of)